

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: July 9, 2015

Agenda Item: ARM Amendments Regarding Recreational Use on Silver Lake

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background

The Commission received a petition from Butte-Silver Bow County in September 2014. The petition requested a rule restricting all watercraft on Silver Lake to a no wake speed due to safety hazards surrounding the inlet and outlet structures. On Dec.11, 2014 the Commission initiated rule making on the petition. Comments received during a public hearing and public comment period indicated little support for the rule, citing a lack of necessity.

On May 14, 2015, the Commission published a compromise rule in which the water within 100 feet of the intake structure is closed to all boating, sailing, floating, and swimming.

Public Involvement Process & Results

Additional public comment on the newly proposed rule was taken. One comment in support the proposed rule was received.

Alternatives and Analysis

The Commission can adopt or not adopt the rule. If the Commission doesn't adopt the rule, existing recreational-use regulations on Silver Lake will remain as they are. If the Commission adopts the rule, the water within 100 feet of the intake structure is closed to all boating, sailing, floating, and swimming. The closed water will be identified and delineated by buoys or signs.

Agency Recommendation & Rationale

FWP recommends the Commission adopt the rule as proposed. There is minimal boat activity and very little use by personal watercraft or waterskiing. There is concern for potential fluctuating water levels, the security of the infrastructure, and the potential for boaters to accidentally strike the equipment on the east end. Based on those concerns, FWP recommends a 100-foot closure to boating, sailing, floating, and swimming, as marked by buoys, around the equipment on the east end of the reservoir. The installation and maintenance of the buoys will be the responsibility of the Butte-Silver Bow.

Proposed Motion

I move the Commission adopt the administrative rule regarding the recreational use on Silver Lake as proposed, establishing a closure of the water within 100 feet of the intake structure to all boating, sailing, floating, and swimming as identified and delineated by buoys or signs.